

Hearing Date: December 20, 2018

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

SEARS HOLDING CORPORATION, et al. Chapter 11

Debtor s Case No.: 18-23538 (RDD)

(Jointly Administered)
Honorable Robert D. Drain

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**OBJECTIONS TO DEBTORS' MOTION TO EXTEND THE
AUTOMATIC STAY TO NON-DEBTOR PARTIES**

Objections of Karen Smith, a Creditor herein, by her attorney Cynthia L. Pollick, Esquire, to Debtors' Motion to extend the automatic stay to certain non-debtor parties dated November 28, 201, who represents to the Court and alleges:

1. At the time of filing said petition, Debtor Sears Logistics, Inc., et al. was a Defendant in a defamation action brought by Creditor Karen Smith in Luzerne County Court of Common Pleas. *Smith v. Sears Logistics, Inc., et al.*, 13028-2015.

2. Creditor Karen Smith has filed her motion for relief from automatic stay, noticed to be heard on January 18, 2019. Copies of the Notice and Application are attached hereto.

Objection No. 1 – Debtors failed to serve their Motion.

3. Before considering the merits of Debtors' Motion, this Court should be aware that service of the motion papers were not properly made.

4. Objectant's attorney was not on the ECF system to be noticed until sometime after November 28, 2018, and consequently, did not receive notice electronically.

5. Neither Objectant nor his attorney in the defamation action, Cynthia L. Pollick, Esquire, were served with the motion, which is contrary to the case management order and due process.

6. On this basis, the Debtors' Motion should be denied unless it can prove that service of its motion was made upon all proper parties.

Objection No. 2 – Debtors did not establish “immediate adverse consequences” for such relief

7. Debtors have not established in their motion papers the consequences of the continuation of the defamation action against them, their insurers, if any, and other non-debtor parties to the action.

8. Debtors have not shown why the automatic stay should be extended to such an extent that it would substantially harm Objectant from pursuing her defamation claim.

WHEREFORE, it is respectfully requested that this Court deny Debtors' Motion dated November 28, 2018, and grant such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED:

By: /s Cynthia L. Pollick
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Dated: Pittston, PA
December 18, 2018